

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was **not** written for publication in a law journal and (2) is **not** binding precedent of the Board.

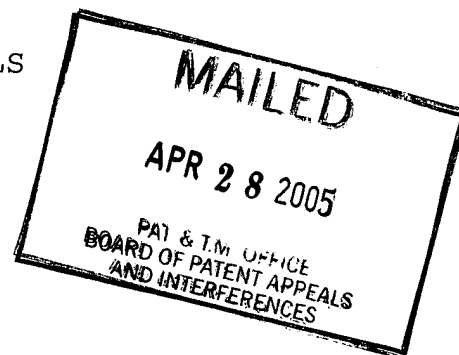
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte MOHAMMAD FAISAL

Application No.09/742,809

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER



This application was received electronically at the Board of Patent Appeals and Interferences on January 24, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Upon review of the Examiner's Answer mailed July 26, 2004, it appears that the Examiner's Answer cites "Wical US 5,930,788" as prior art of record. However, under the heading "Claim Rejections - 35 USC § 102" paragraph 4, the examiner references Wical US Patent No. 5,953,718. A clarification of which reference is the prior art relied upon in the rejection is required.

**Accordingly, it is**

**ORDERED** that the application is electronically returned to the Examiner to clarify which Wical reference is to be considered as the prior art and for such further action as may be appropriate.

It is important that the Board of Patent Appeals and Interferences be informed promptly of any action affecting the status of the appeal (i.e., abandonment, issue, reopening prosecution).

BOARD OF PATENT APPEALS  
AND INTERFERENCES

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